

**Examiners Drawing Rejections:**

"The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: See item 49 in figures 1-3, 5 & 6. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.21(b) are required in reply to the Office action to avoid abandonment of the application. " Etc.

**Applicants Reply:**

In accordance with 37 CFR 1.21(b) as identified above, I respectfully request the Examiner amend the specification as follows on page 3 of this paper. Kindly note no new material has been entered, as "a solar battery charger" has been previously mentioned and described. However, the number 49 was simply not entered.

**Remarks/Arguments:**

The Examiner is correct that Duda teaches some of the components and possible functions of the previously presented claims of the present invention. It is also true that the Kraft teaches a flexible hat and that the hat may be adjustable. However, reconsideration of the claim rejections is respectfully requested after considering the following comments.

The newly presented claims namely 21 & 22 now more clearly define over the prior art and no new material has been entered. Claims 21 & 22 clearly teach that the hat is adjustable, includes a storage compartment for containment of a backup battery, the brim includes at least one hinge that not only provides flexibility but more importantly the hinge further protects the electronics from being broken. Also, the hat can function as, a cell phone, a computer, a calculator, a CD player, a mini-disc player, a palm pilot, or a combination thereof. None of which is taught by Duda or Kraft, even if combined in the manner suggested by the Examiner.

These features are extremely important, as the storage compartment is an important safety feature not recognized or addressed by Duda or Kraft. It is well known that batteries have dangerous and corrosive properties and if the batteries become damaged, the user may be subjected to injury there from. Thus, the storage compartment resolves this problem in a manner not

heretofore taught within Duda or Kraft. Furthermore, the hinge mechanism of the present invention also resolves a problem not recognized or addressed within the noted prior art. It is well known that electronic circuit boards cannot be manufactured or produced in the shape of a curve and must be flat. Therefore, the hinge mechanism of the present invention allows for bending and will not damage the internal circuit boards unlike the prior art. Kindly refer to figure 5 of the present invention wherein the hinge mechanism(s) (52) allows for each circuit board to be independent from each other and manufactured in a flat manner. Thus even if the hinge of Kraft were integrated into the hat of Duda, the hat would not be functional and resolve the problems as clearly taught and provided within the present invention. It is to be noted the hinge of the present invention may be simply formed by stitching or the like. This is further not suggested or taught within the cited prior art and this type of hinge is most cost effective and very functional.

Furthermore, none of the individual cited references when considered alone read on the claims of the present invention. The physical distinctions provide new and unexpected results, thereby indicating that the physical distinctions are unobvious under Sec. 103. Also, The prior art lacks any suggestion that the references should be modified in a manner required to meet the claims. Still further there is evidence of lack of implementation as if the invention were in fact obvious, because of its advantages, those skilled in the art surely would have implemented it by now. That is, the fact that those skilled in the

art have not implemented the invention, despite its great advantages, indicates that it is not obvious. Important also is that the present invention solves a long-felt, long-existing, but unsolved need. The prior art references do not contain any suggestion (express or implied) that they be combined, or that they be combined in the manner suggested. Each reference is complete and functional in itself, so there would be no reason to use parts from or add or substitute parts to any reference. Furthermore, The whole (that is the result achieved by the invention) is greater than the sum of its parts (that is the respective results of the individual references), thus the present invention is not considered to be obvious as there is evidence of synergism. Therefore, reconsideration of the proposed combination is respectfully requested because **there would be no reason to combine them in this manner since each of the devices themselves fail to suggest any such combination or that there would be any advantages in combining their teachings. As was stated in In re Sernaker, 217 U.S.P.Q. 1, 6 (CAFC 1983).**

**"Prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings". As was further stated in Orthopedic Equipment Co.,Inc., v. United States, 217 U.S.P.Q. 193, 199 (CAFC 1983)";**

"It is wrong to use the patent in suit (here the patent application) as a guide through the maze of prior art references, combining the right references in the right way to achieve the result of the claims in suit (here the claims at issue). Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law". (Here the PTO).

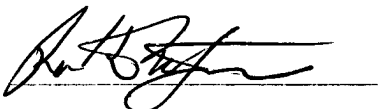
In view of the above, if the Examiner agrees but does not feel that the present claims are technically adequate and/or if the Examiner (knowing that the applicant is not a skilled Attorney but is applying as a private citizen) can see areas which applicant has failed to point out and distinctly claim but would lead to patentable material, then I respectfully request the Examiner to point out said material and to write acceptable claims pursuant to MPEP 707.07(j) and give the applicant an opportunity to respond further before final action.

#### CONCLUSION

For all the reasons above, this application is now submitted to contain claims that define a novel and patentable invention. Hence allowance of the application is respectfully submitted to be proper and is respectfully solicited.

I thank the Examiner for their time and I look forward to the next reply.

Very respectfully,

A handwritten signature in black ink, appearing to read "Robert D. Montgomery", written over a horizontal line.

Robert D. Montgomery